

SouthWest Transit Grievance Procedure

As part of the ADA requirements SouthWest Transit has posted the following notice outlining its ADA requirements:

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, SouthWest Transit will not discriminate against qualified individuals with disabilities on the basis of disability in SouthWest Transit's services, programs, or activities.

Employment: SouthWest Transit does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: SouthWest Transit will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the SouthWest Transit's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: SouthWest Transit will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all SouthWest Transit programs, services, and activities. For example, individuals with service animals are welcomed in SouthWest Transit offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a SouthWest Transit program, service, or activity, should contact the office of ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require SouthWest Transit to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

SouthWest Transit will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**SouthWest Transit
Grievance Procedure under
the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the SouthWest Transit. SouthWest Transit's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Dave Jacobson
ADA Coordinator and Chief Operating Officer of SouthWest Transit
14405 W 62nd St, Eden Prairie, MN, 55346**

Within 15 calendar days after receipt of the complaint, Dave Jacobson or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Dave Jacobson or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the SouthWest Transit and offer options for substantive resolution of the complaint.

If the response by Dave Jacobson or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to Len Simich or his designee.

Within 15 calendar days after receipt of the appeal, Len Simich or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Len Simich or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Dave Jacobson or his designee, appeals to Len Simich or his designee, and responses from these two offices will be retained by the SouthWest Transit for at least three years.

Those wishing to file a formal written grievance with SouthWest Transit may do so by one of the following methods:

Internet

Visit the SouthWest Transit website (swtransit.org) and click the “Policies” link to the [ADA Grievance Form](#). Fill in the form online and click “submit.” A copy of The ADA Grievance Form is included in this Appendix.

Telephone

Contact the pertinent SouthWest Transit staff person listed in the **Contact Information** section of Appendix D to submit an oral grievance. The staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

Paper Submittal

Contact the pertinent SouthWest Transit staff person listed in the **Contact Information** section of Appendix D to request a paper copy of the county’s grievance form, complete the form, and submit it to the responsible party. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

The **name, address, telephone number, and email address** for the person filing the grievance

The **name, address, telephone number, and email address** for the person alleging an ADA violation (if different than the person filing the grievance)

A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.

If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the **name of the agency or court where the complainant filed it and the filing date**.

SouthWest Transit will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. SouthWest Transit will also provide to the complainant within 10 working days of its submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

3. Within 60 calendar days of receipt, a SouthWest Transit staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the

investigation, the staff person would conduct an engineering study to help determine the SouthWest Transit's response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. SouthWest Transit will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of seven years.

SouthWest Transit will consider all specific grievances within its particular context or setting. Furthermore, SouthWest Transit will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others; and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to SouthWest Transit.

Accordingly, the resolution by SouthWest Transit of any one grievance does not constitute a precedent upon which the county is bound or upon which other complaining parties may rely.

File Maintenance

SouthWest Transit shall maintain ADA grievance files for a period of seven years.

Complaints of Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

www.ada.gov

(800) 514-0301 (voice – toll free)

(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.